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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,416	11/28/2000	Naofumi Kobayashi	FUJG 18.009	6300
7590 04/14/2004			EXAMINER	
HELFGOTT & KARAS, P.C. Empire State Building, 60th Floor New York, NY 10118			GECKIL, MEHMET B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 04/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/723,416

Applicant(s)

NAOFUMI KOBAYASHI

Examiner

Mehmet B. Geckil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-45 are presented for examination.
2. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims are indefinite because claims 15,16 recite the limitation "'the preset" in the body of the claims. There is insufficient antecedent basis for this limitation in the claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCloghrie et al in view of Jorgensen.
5. McCloghrie et al (6,452,915) taught the invention substantially as claimed including a network routing system in a network having a first routing apparatus or sending entity (col 21 line 8 et seq) to which one or more first communication devices are connected, and a second routing apparatus or receiving entity (col 21 line 8 et seq) to which one or more second communication devices are connected, wherein the network routing system reserves (col 2, line 35 et seq, and col 21, line 7 et seq) a

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network resource using RSVP or Resource reservation Protocol (col 21, line 1 et seq) between the first routing apparatus and the second routing apparatus. It would have been obvious to one of ordinary skill in the network routing protocol art at the time of the invention that it was well known that the RSVP protocol was used for QoS or Quality of Service features. For example, Jorgensen taught (see col 41 line 15 et seq) using RSVP for QoS in routing packets between the routers (col 40, lines 61-67.) It would have been obvious to one of ordinary skill in the network routing protocol art at the time of the invention to combine the teachings of McCloghrie et al and Jorgensen because Jorgensen shed light into the QoS details of the RSVP and that the CISCO (which is the Assignee for the McCloghrie et al Patent) uses RSVP for QoS features (see col 41 lines 17-19.) Other claimed features are all obvious variations of the well known features of network routing and QoS and RSVP protocols. See for example, RFC 2205, RFC 2474, RFC 2475 as cited by Jorgensen at column 41. Also, see Figure 15A, elements 1506 and 1542 and corresponding columns 59-62 for classifying packet into QoS-Class, as well as col 43, line 13 et seq for reserving resources in the Jorgensen Patent. It would have been obvious to one of ordinary skill in the network routing art at the time of the invention to incorporate these Jorgensen' features into McCloghrie et al teachings in order to provide RSVP with QoS features to provide a higher QoS for the client services. Setting bits in the header and using timers are also basic well known procedures for packet processing in the networking art.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-

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9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

4/12/04

MEHMET B. GECKIL
PRIMARY EXAMINER

Mehmet Geckil